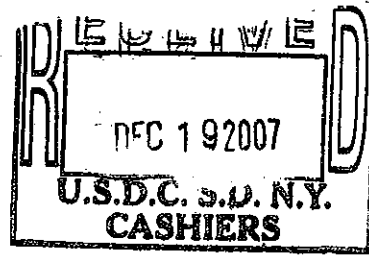


SCHLACTER & ASSOCIATES
Attorneys for Plaintiff
450 Seventh Avenue
New York, New York 10123
(212) 695-2000
By: JED R. SCHLACTER (JRS-4874)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CASTEL

DEVEAUX S.A.,

07^X CV 11371
07 Civ.

Plaintiff,

:

ECF Case

-against-

:

COMPLAINT

:

CHATEAU STORES, INC.
and CHATEAU STORES LTD.,

:

Defendants.

:

X

Plaintiff, by its attorneys, SCHLACTER & ASSOCIATES, for its complaint against defendants, alleges:

JURISDICTION

1. This action, as more fully stated below, is for, inter alia, copyright infringement, unfair trade practices and unfair competition; arises under Title 17 of the United States Code;

jurisdiction is vested in this Court under 28 U.S.C. Sections 1338(a) and 1338(b); and proper venue exists under 28 U.S.C. Sections 1400(a) and 1391.

THE PARTIES

2. Plaintiff, DEVEAUX S.A. (hereinafter referred to as "DEVEAUX") is a foreign corporation duly organized and existing under the laws of France, with an office located at 69240 Saint-Vincent-De-Reins, France. Plaintiff is a textile mill, selling finished textile piece goods to garment manufacturers.

3. Upon information and belief, defendants, CHATEAU STORES, INC. and CHATEAU STORES LTD. (hereinafter collectively referred to as "Chateau"), are foreign corporations, with a place of business at 34 West 34th Street, New York, New York 10001, and 5695 Ferrier Street, Montreal, Quebec H4P 1N1, which manufactures, distributes and sells wearing apparel throughout the United States, including to the New York area.

FIRST CAUSE OF ACTION

PLAINTIFF'S COPYRIGHTED WORK

4. In 2005 an original work of art was created by the plaintiff, and identified as Design No. BRIO LX 2680.

5. Since on or about June 2, 2005, plaintiff's Design No. BRIO LX 2680 was produced on fabrics, which fabrics are also identified as Design No. BRIO LX 2680 (hereinafter referred to as "LX 2680").

6. The design of LX 2680 is wholly original and is copyrightable subject matter under the laws of the United States.

7. In or about June 2, 2005, plaintiff began selling fabrics bearing the design known as LX 2680.

8. All of the provisions of Title 17 of the United States Code, and all of the laws governing Copyright, have been duly complied with; and a Certificate of Registration has been duly received from the Register of Copyrights, covering the design known as LX 2680, identified as follows: Registration No. VA 1- 410-951.

9. Plaintiff is the sole proprietor of all rights, title and interest in and to the Copyright of said design.

10. A photocopy of plaintiff's Certificate of Registration for said copyrighted design is annexed hereto as Exhibit "A".

11. Subsequent to the publication by plaintiff of its LX 2680 involved herein, defendants, with full knowledge of the rights of plaintiff therein, infringed plaintiff's Copyright on such design by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising garments bearing a design thereon which contained substantial material copied from said copyrighted fabric design or by causing and/or participating in such reproduction by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising, all in violation of the rights of plaintiff under Section 106 of the Copyright Law, Title 17 U.S.C.

12. A photocopy of plaintiff's copyrighted design known as LX 2680 is annexed hereto as Exhibit "B", and a photocopy of defendants' said infringement is annexed hereto as Exhibit "C".

13. All of defendants' acts, as set forth herein, were performed without the permission, license or consent of plaintiff.

14. Plaintiff has gone to great expense in producing and promoting the sale of fabrics bearing its copyrighted design LX 2680.

15. Plaintiff's copyrighted design incorporates carefully prepared and fashionable color combinations, which color combinations have aided greatly in the sale of garments bearing the copyrighted design.

16. As a result of plaintiff's expenditure of money and skill in the promotion for sale of fabrics bearing plaintiff's copyrighted design, the fabrics and garments made therefrom have acquired a substantial market value in the trade.

17. Defendants have a design obviously copied from plaintiff's copyrighted design, which copy defendants have been offering and, upon information and belief, continue to offer for sale. The design printed on defendants' garments is substantially similar to plaintiff's copyrighted design.

18. Defendants' infringing design (Exhibit "C") is unmistakably copied from plaintiff's design (Exhibit "B").

19. Defendants' garments, when viewed by a consumer, would appear to be identical with a garment of like style bearing plaintiff's copyrighted design.

20. Upon information and belief, defendants have produced their garments incorporating the copied design in a color combination virtually identical to a color combination of plaintiff's design.

21. Defendants, by their acts as aforesaid, have taken advantage of the knowledge and skill of plaintiff and of the good will developed by plaintiff and have capitalized upon the market created for plaintiff's design.

22. By defendants' use of a design and color combination virtually identical with plaintiff's design and color combination, defendants have been and will continue to be able to pass off and sell their garments as a substitute for the garments sold by customers of plaintiff.

23. The aforesaid acts of defendants in copying plaintiff's design and color combination and selling copies of same constitutes inequitable conduct, unfair trade practices and unfair competition in that defendants have thereby misappropriated plaintiff's good will and the benefits of plaintiff's knowledge, skill and expenditures in the promotion of the distinctive design and color combination, and by reason of the sale of defendants' garments in competition with the plaintiff's sales of fabrics incorporating the copyrighted design has caused irreparable injury to plaintiff in that plaintiff's market has been greatly reduced thereby, which injury will continue so long as defendants continue to market the copied design.

24. Plaintiff has been damaged by the acts of defendants alleged herein in an amount not as yet known, but believed to be in excess of One Million (\$1,000,000.00) Dollars. The infringing activities of defendants are further and continuously damaging plaintiff in a manner for which plaintiff has no adequate remedy at law.

SECOND CAUSE OF ACTION

PLAINTIFF'S COPYRIGHTED WORK

25. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 3 above, as if fully repeated herein.

26. In 2005 an original work of art was created by the plaintiff, and identified as Design No. BRIO LX 2845.

27. Since on or about August 31, 2005, plaintiff's Design No. BRIO LX 2845 was produced on fabrics, which fabrics are also identified as Design No. BRIO LX 2845 (hereinafter referred to as "LX 2845").

28. The design of LX 2845 is wholly original and is copyrightable subject matter under the laws of the United States.

29. In or about August 31, 2005, plaintiff began selling fabrics bearing the design known as LX 2845.

30. All of the provisions of Title 17 of the United States Code, and all of the laws governing Copyright, have been duly complied with; and a Certificate of Registration has been duly received from the Register of Copyrights, covering the design known as LX 2845, identified as follows: Registration No. VA 1- 404 - 075.

31. Plaintiff is the sole proprietor of all rights, title and interest in and to the Copyright of said design.

32. A photocopy of plaintiff's Certificate of Registration for said copyrighted design is annexed hereto as Exhibit "D".

33. Subsequent to the publication by plaintiff of its LX 2845 involved herein, defendants, with full knowledge of the rights of plaintiff therein, infringed plaintiff's Copyright on such design by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising garments bearing a design thereon which contained substantial material copied from said copyrighted fabric design or by causing and/or participating in such reproduction by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising, all in violation of the rights of plaintiff under Section 106 of the Copyright Law, Title 17 U.S.C.

34. A photocopy of plaintiff's copyrighted design known as LX 2845 is annexed hereto as Exhibit "E", and a photocopy of defendants' said infringement is annexed hereto as Exhibit "F".

35. All of defendants' acts, as set forth herein, were performed without the permission, license or consent of plaintiff.

36. Plaintiff has gone to great expense in producing and promoting the sale of fabrics bearing its copyrighted design LX 2845.

37. Plaintiff's copyrighted design incorporates carefully prepared and fashionable color combinations, which color combinations have aided greatly in the sale of garments bearing the copyrighted design.

38. As a result of plaintiff's expenditure of money and skill in the promotion for sale of fabrics bearing plaintiff's copyrighted design, the fabrics and garments made therefrom have acquired a substantial market value in the trade.

39. Defendants have a design obviously copied from plaintiff's copyrighted design, which copy defendants have been offering and, upon information and belief, continue to offer for sale. The design printed on defendants' garments is substantially similar to plaintiff's copyrighted design.

40. Defendants' infringing design (Exhibit "F") is unmistakably copied from plaintiff's design (Exhibit "E").

41. Defendants' garments, when viewed by a consumer, would appear to be identical with a garment of like style bearing plaintiff's copyrighted design.

42. Upon information and belief, defendants have produced their garments incorporating the copied design in a color combination virtually identical to a color combination of plaintiff's design.

43. Defendants, by their acts as aforesaid, have taken advantage of the knowledge and skill of plaintiff and of the good will developed by plaintiff and have capitalized upon the market created for plaintiff's design.

44. By defendants' use of a design and color combination virtually identical with plaintiff's design and color combination, defendants have been and will continue to be able to pass off and sell their garments as a substitute for the garments sold by customers of plaintiff.

45. The aforesaid acts of defendants in copying plaintiff's design and color combination and selling copies of same constitutes inequitable conduct, unfair trade practices and unfair competition in that defendants have thereby misappropriated plaintiff's good will and the benefits of plaintiff's knowledge, skill and expenditures in the promotion of the distinctive design and color combination, and by reason of the sale of defendants' garments in competition with the plaintiff's sales of fabrics incorporating the copyrighted design has caused irreparable injury to plaintiff in that plaintiff's market has been greatly reduced thereby, which injury will continue so long as defendants continue to market the copied design.

46. Plaintiff has been damaged by the acts of defendants alleged herein in an amount not as yet known, but believed to be in excess of One Million (\$1,000,000.00) Dollars. The infringing activities of defendants are further and continuously damaging plaintiff in a manner for which plaintiff has no adequate remedy at law.

THIRD CAUSE OF ACTION

PLAINTIFF'S COPYRIGHTED WORK

47. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 3 above, as if fully repeated herein.

48. In 2005 an original work of art was created by the plaintiff, and identified as Design No. BRIO LX 2850.

49. Since on or about July 1, 2005, plaintiff's Design No. BRIO LX 2850 was produced on fabrics, which fabrics are also identified as Design No. BRIO LX 2850 (hereinafter referred to as "LX 2850").

50. The design of LX 2850 is wholly original and is copyrightable subject matter under the laws of the United States.

51. In or about July 1, 2005, plaintiff began selling fabrics bearing the design known as LX 2850.

52. All of the provisions of Title 17 of the United States Code, and all of the laws governing Copyright, have been duly complied with; and a Certificate of Registration has been duly received from the Register of Copyrights, covering the design known as LX 2850, identified as follows: Registration No. VA 1- 421 - 308.

53. Plaintiff is the sole proprietor of all rights, title and interest in and to the Copyright of said design.

54. A photocopy of plaintiff's Certificate of Registration for said copyrighted design is annexed hereto as Exhibit "G".

55. Subsequent to the publication by plaintiff of its LX 2850 involved herein, defendants, with full knowledge of the rights of plaintiff therein, infringed plaintiff's Copyright on such design by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising garments bearing a design thereon which contained substantial material copied from said copyrighted fabric design or by causing and/or participating in such reproduction by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising, all in violation of the rights of plaintiff under Section 106 of the Copyright Law, Title 17 U.S.C.

56. A photocopy of plaintiff's copyrighted design known as LX 2850 is annexed hereto as Exhibit "H", and a photocopy of defendants' said infringement is annexed hereto as Exhibit "I".

57. All of defendants' acts, as set forth herein, were performed without the permission, license or consent of plaintiff.

58. Plaintiff has gone to great expense in producing and promoting the sale of fabrics bearing its copyrighted design LX 2850.

59. Plaintiff's copyrighted design incorporates carefully prepared and fashionable color combinations, which color combinations have aided greatly in the sale of garments bearing the copyrighted design.

60. As a result of plaintiff's expenditure of money and skill in the promotion for sale of fabrics bearing plaintiff's copyrighted design, the fabrics and garments made therefrom have acquired a substantial market value in the trade.

61. Defendants have a design obviously copied from plaintiff's copyrighted design, which copy defendants have been offering and, upon information and belief, continue to offer for sale. The design printed on defendants' garments is substantially similar to plaintiff's copyrighted design.

62. Defendants' infringing design (Exhibit "I") is unmistakably copied from plaintiff's design (Exhibit "H").

63. Defendants' garments, when viewed by a consumer, would appear to be identical with a garment of like style bearing plaintiff's copyrighted design.

64. Upon information and belief, defendants have produced their garments incorporating the copied design in a color combination virtually identical to a color combination of plaintiff's design.

65. Defendants, by their acts as aforesaid, have taken advantage of the knowledge and skill of plaintiff and of the good will developed by plaintiff and have capitalized upon the market created for plaintiff's design.

66. By defendants' use of a design and color combination virtually identical with plaintiff's design and color combination, defendants have been and will continue to be able to pass off and sell their garments as a substitute for the garments sold by customers of plaintiff.

67. The aforesaid acts of defendants in copying plaintiff's design and color combination and selling copies of same constitutes inequitable conduct, unfair trade practices and unfair competition in that defendants have thereby misappropriated plaintiff's good will and the benefits of plaintiff's knowledge, skill and expenditures in the promotion of the distinctive design and color combination, and by reason of the sale of defendants' garments in competition with the plaintiff's sales of fabrics incorporating the copyrighted design has caused irreparable injury to plaintiff in that plaintiff's market has been greatly reduced thereby, which injury will continue so long as defendants continue to market the copied design.

68. Plaintiff has been damaged by the acts of defendants alleged herein in an amount not as yet known, but believed to be in excess of One Million (\$1,000,000.00) Dollars. The infringing activities of defendants are further and continuously damaging plaintiff in a manner for which plaintiff has no adequate remedy at law.

FOURTH CAUSE OF ACTION

PLAINTIFF'S COPYRIGHTED WORK

69. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 3 above, as if fully repeated herein.

70. In 2005 an original work of art was created by the plaintiff, and identified as Design No. BRIO LX 2865.

71. Since on or about September 1, 2005, plaintiff's Design No. BRIO LX 2865 was produced on fabrics, which fabrics are also identified as Design No. BRIO LX 2865 (hereinafter referred to as "LX 2865").

72. The design of LX 2865 is wholly original and is copyrightable subject matter under the laws of the United States.

73. In or about September 1, 2005, plaintiff began selling fabrics bearing the design known as LX 2865.

74. All of the provisions of Title 17 of the United States Code, and all of the laws governing Copyright, have been duly complied with; and a Certificate of Registration has been duly received from the Register of Copyrights, covering the design known as LX 2865, identified as follows: Registration No. VA 1- 421 - 309.

75. Plaintiff is the sole proprietor of all rights, title and interest in and to the Copyright of said design.

76. A photocopy of plaintiff's Certificate of Registration for said copyrighted design is annexed hereto as Exhibit "J".

77. Subsequent to the publication by plaintiff of its LX 2865 involved herein, defendants, with full knowledge of the rights of plaintiff therein, infringed plaintiff's Copyright on such design by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising garments bearing a design thereon which contained substantial material copied from said copyrighted fabric design or by causing and/or participating in such reproduction by reproducing, displaying, manufacturing, printing, reprinting, yarn-dyeing, publishing, vending, distributing, selling, promoting and/or advertising, all in violation of the rights of plaintiff under Section 106 of the Copyright Law, Title 17 U.S.C.

78. A photocopy of plaintiff's copyrighted design known as LX 2865 is annexed hereto as Exhibit "K", and a photocopy of defendants' said infringement is annexed hereto as Exhibit "L".

79. All of defendants' acts, as set forth herein, were performed without the permission, license or consent of plaintiff.

80. Plaintiff has gone to great expense in producing and promoting the sale of fabrics bearing its copyrighted design LX 2865.

81. Plaintiff's copyrighted design incorporates carefully prepared and fashionable color combinations, which color combinations have aided greatly in the sale of garments bearing the copyrighted design.

82. As a result of plaintiff's expenditure of money and skill in the promotion for sale of fabrics bearing plaintiff's copyrighted design, the fabrics and garments made therefrom have acquired a substantial market value in the trade.

83. Defendants have a design obviously copied from plaintiff's copyrighted design, which copy defendants have been offering and, upon information and belief, continue to offer for sale. The design printed on defendants' garments is substantially similar to plaintiff's copyrighted design.

84. Defendants' infringing design (Exhibit "L") is unmistakably copied from plaintiff's design (Exhibit "K").

85. Defendants' garments, when viewed by a consumer, would appear to be identical with a garment of like style bearing plaintiff's copyrighted design.

86. Upon information and belief, defendants have produced their garments incorporating the copied design in a color combination virtually identical to a color combination of plaintiff's design.

87. Defendants, by their acts as aforesaid, have taken advantage of the knowledge and skill of plaintiff and of the good will developed by plaintiff and have capitalized upon the market created for plaintiff's design.

88. By defendants' use of a design and color combination virtually identical with plaintiff's design and color combination, defendants have been and will continue to be able to pass off and sell their garments as a substitute for the garments sold by customers of plaintiff.

89. The aforesaid acts of defendants in copying plaintiff's design and color combination and selling copies of same constitutes inequitable conduct, unfair trade practices and unfair competition in that defendants have thereby misappropriated plaintiff's good will and the benefits of plaintiff's knowledge, skill and expenditures in the promotion of the distinctive design and color combination, and by reason of the sale of defendants' garments in competition with the plaintiff's sales of fabrics incorporating the copyrighted design has caused irreparable injury to plaintiff in that plaintiff's market has been greatly reduced thereby, which injury will continue so long as defendants continue to market the copied design.

90. Plaintiff has been damaged by the acts of defendants alleged herein in an amount not as yet known, but believed to be in excess of One Million (\$1,000,000.00) Dollars. The infringing activities of defendants are further and continuously damaging plaintiff in a manner for which plaintiff has no adequate remedy at law.

EXHIBIT A

FORM VA

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

REF

VA 1-410-951



EFFECTIVE DATE OF REGISTRATION

1 20 07
Month Day Year

RATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼

DESIGN NUMBER BR10 LX 2680

NATURE OF THIS WORK ▼ See instructions

Fabric Design

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2 a NAME OF AUTHOR ▼

Deveaux SA

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country France

OR ☐ Citizen of
☐ Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

- ☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☒ Design on sheetlike material

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR ☐ Citizen of
☐ Domiciled in

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If the answer to either of these questions is "Yes," see detailed instructions.

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- ☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☐ Design on sheetlike material

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2005

This information must be given Year in all cases.

4 b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month Day Year
JUNE 2 2005

FRANCE

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Deveaux SA

69240 Saint Vincent De Reins, France

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DECLARATION RECEIVED
DEC 06 2007

ONE DEPOSIT RECEIVED
DEC 06 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

1/26/07

MORE ON BACK ▼

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 8

DO NOT WRITE HERE

EXAMINED BY M/LL

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Jed R. Schlacter, Esq.

Schlacter & Associates

450 Seventh Avenue, Suite 1308

New York, NY 10123

Area code and daytime telephone number 212 695-2000

Fax number 212 629-5825

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Deveaux SA

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jed R. Schlacter

Date Oct. 10, 2006

Handwritten signature (X)

Mail
certificate
to:Certificate
will be
mailed in
window
envelope

Name

Schlacter & Associates

Number/Street/Apt

450 Seventh Avenue, Suite 1308

City/State/ZIP

New York, NY 10123

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS IN THE MAIL PACKAGE

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

1501-10
Register of Copyrights, Library of Congress
101 Independence Ave., S.E.
Washington, D.C. 20540-4000

EXHIBIT B

BRIO LX 2680

EXHIBIT C

le château

REGULAR
100% COTTON
MADE IN
CHINA

TAILORED
SEMI-FITTED

le château

EXHIBIT D

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

VA 1-404-075

EFFE

REGISTRATION

Month Day Year

RATE CONTINUATION SHEET.

NATURE OF THIS WORK ▼ See instructions

Fabric Design

TITLE OF THIS WORK ▼

DESIGN NUMBER BR10 LX 2845

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

NAME OF AUTHOR ▼

Deveaux SA

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

France

OR Citizen of ▼

Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

☒ Design on sheetlike material

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

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☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

Domiciled in ▼

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☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

☐ Design on sheetlike material

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2005

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month Day Year
Aug 31 2005
ITALY

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Deveaux SA

69240 Saint Vincent De Reins, France

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

RECEIVED

RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

1/26/07

MORE ON BACK ▼

• Complete all applicable spaces (numbers 3-9) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 8

DO NOT WRITE HERE

Page 1 of 1 pages

EXAMINED BY

FORM VA

CHECKED BY ☐ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼a
See instructions
before completing
this space.b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Jed R. Schlacter, Esq.

Schlacter & Associates

450 Seventh Avenue, Suite 1308

New York, NY 10123

Area code and daytime telephone number ▶ 212 695-2000

Fax number ▶ 212 629-5825

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Doveaux SA

Name of author or other copyright claimant, or owner of exclusive right(s) A

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jed R. Schlacter

Date ▶ Oct. 10, 2006

Handwritten signature (X) ▼

Mail
certificate
to:Certificate
will be
mailed in
window
envelope

Name ▼

Schlacter & Associates

Number/Street/Apt ▼

450 Seventh Avenue, Suite 1308

City/State/ZIP ▼

New York, NY 10123

YOU MAY

- Complete all necessary spaces
- Sign your application in space 8

SURE ALL FEES PAID

BY THE USER/PACKAGE

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO

Register of Copyrights, Library of Congress
101 Independence Ave., S.E.
Washington, D.C. 20540-3000

9

EXHIBIT E

BRIO LX 2845

EXHIBIT F

**F&M
FABRIQUE
CHINE
MADE IN
CHINA**

TAILORED SEMI-FITTED

le château

EXHIBIT N

DEVEAUX SA
BRIO LX 2930

EXHIBIT O



EXHIBIT P

Certificate of Registration

Case 1:07-cv-11371-PKC Document 1-3 Filed 12/11/07 Page 6 of 18

FORM VA

UNITED STATES COPYRIGHT OFFICE

REC VA 1-421-311



EFFECTIVE DATE OF REGISTRATION

JAN 22 2007

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Margbeth Peters

Register of Copyrights, United States of America

DATE CONTINUATION SHEET

TITLE OF THIS WORK

DESIGN NUMBER BA10 LX 3295

NATURE OF THIS WORK See Instructions

Fabric Design

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Page

NAME OF AUTHOR

Deveau SA

DATES OF BIRTH AND DEATH Year Born Year Died

Was this contribution to the work a work made for hire? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country France OR Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? Yes No Pseudonymous? Yes No

NOTE

Under the law, the "author" of a work made for hire is generally the employer, not the employee (see Instructions). For any part of this work that was made for hire, check "Yes" in the spaces provided, give the employer, for other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Check appropriate box(es). See Instructions

- 3-Dimensional sculpture Map Technical drawing
- 2-Dimensional artwork Photograph Text
- Reproduction of work of art Jewelry design Architectural work
- Design on sheetlike material

NAME OF AUTHOR

DATES OF BIRTH AND DEATH Year Born Year Died

Was this contribution to the work a work made for hire? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? Yes No Pseudonymous? Yes No

NATURE OF AUTHORSHIP Check appropriate box(es). See Instructions

- 3-Dimensional sculpture Map Technical drawing
- 2-Dimensional artwork Photograph Text
- Reproduction of work of art Jewelry design Architectural work
- Design on sheetlike material

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases. 2005

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published. Month Day Year OCT 7 2005 GERMANY

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Deveau SA 69240 Saint Vincent De Reins, France

APPLICATION RECEIVED DEC 06 2006 ONE DEPOSIT RECEIVED DEC 06 2006 TWO DEPOSITS RECEIVED FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 9.

DO NOT WRITE HERE Page 1 of 2

EXAMINED BY MD

FORM VA

CHECKED BY MJ☐ CORRESPONDENCE

yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. "Preexisting Material" Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Jed R. Schiacter, Esq.

Schiacter & Associates

450 Seventh Avenue, Suite 1308

New York, NY 10123

Area code and daytime telephone number 212 699-2000

Fax number 212 629-5825

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Deveau SA

Name of author or other copyright claimant or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jed R. Schiacter

Date Oct 10, 2006

Handwritten signature (X)

Mail certificate to:

Certificate will be mailed in window envelope

Name

Schiacter & Associates

Number/Street Apt.

450 Seventh Avenue, Suite 1308

City/State/ZIP

New York, NY 10123

YOU MUST ATTACH TO THIS APPLICATION

1. Complete all necessary forms.
2. Payment of prescribed fee.

SEND ALL ELEMENTS IN THE SAME PACKAGE

3. Application form.
4. Nonreturnable fee stamp.
5. Payment of money and fee.
6. Payment of fee in Copyright Office.
7. Payment of fee in Copyright Office.

MAIL TO

Register of Copyrights/Library of Congress
10 Independence Ave., S.E.
Washington, D.C. 20540-0000

EXHIBIT Q

DEVEAUX SA
BRIO LX 3295

EXHIBIT R



EXHIBIT S



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VA 1-622-842

Effective date of registration:

November 5, 2007

Title

Title of Work: Design No. Brio LX 3585

Nature of Work: Fabric Design

Completion/Publication

Year of Completion: 2005

Date of 1st Publication: November 17, 2005

Nation of 1st Publication: United Kingdom

Author

Author: Deveaux s.a.

Author Created: Reproduction of work of art

Work made for hire: Yes

Citizen of: France

Anonymous: No

Pseudonymous: No

Copyright claimant

Copyright Claimant: Deveaux s.a.

69240 Saint Vincent de Reins, France

Limitation of copyright claim

Previously registered: No

Certification

Name: Jed R. Schlacter

Date: October 19, 2007

IPNW:



* *

Registration #:



VA0001622842

Service Request #: 1-19022073

Schilacter & Associates
450 Seventh Avenue
Suite 1308
New York, NY 10123

EXHIBIT T

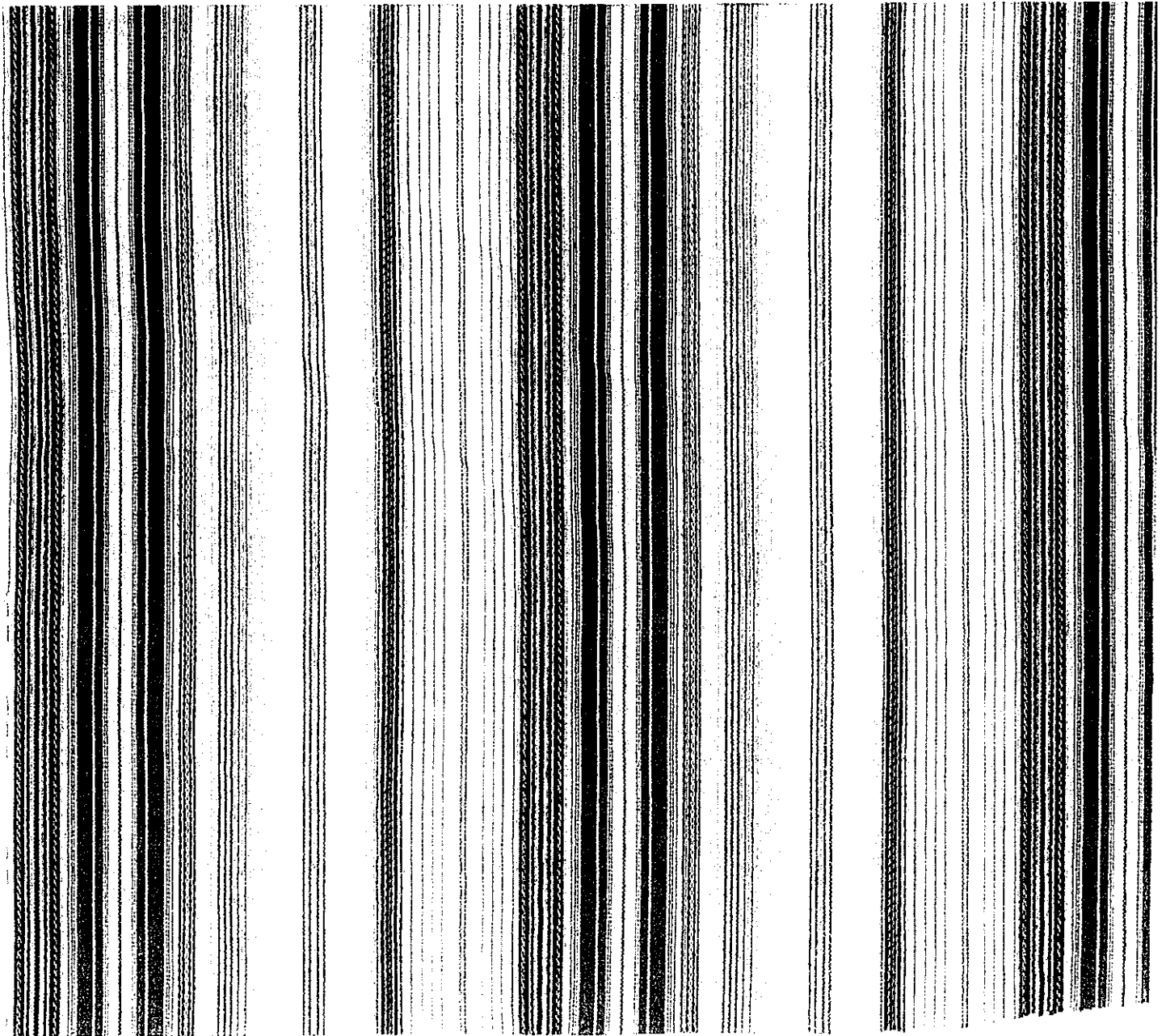


EXHIBIT U

FAÇON TAILLEUR
S E M I . A J U S T É E

le château

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